

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FILED

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DOCKETED  
JUL 26 1983

ATARI, INC.,  
a Delaware corporation,

and

MIDWAY MFG. CO., an  
Illinois corporation,

Plaintiffs,

vs.

Civil Action No. 81 C 6434

The Honorable George N. Leighton

NORTH AMERICAN PHILIPS  
CONSUMER ELECTRONICS CORP.,  
a Tennessee corporation,

PARK TELEVISION d/b/a  
PARK MAGNAVOX HOME  
ENTERTAINMENT CENTER,  
an Illinois partnership,

and

ED AVERETT,  
an individual,

Defendants.

NOTICE OF DEPOSITION

TO: THEODORE W. ANDERSON, Esq.  
JAMES T. WILLIAMS, Esq.  
Neuman, Williams,  
Anderson & Olson  
Room 2000  
77 W. Washington Street  
Chicago, Illinois 60602

DANIEL W. VITTUM, JR., Esq.  
DAVID E. SPRINGER, Esq.  
Kirkland & Ellis  
200 East Randolph Drive  
Chicago, Illinois 60601

JAMES ALESIA, Esq.  
Reuben & Proctor  
19 South LaSalle Street  
Chicago, Illinois 60603

PLEASE TAKE NOTICE that, pursuant to Rule 30 (b) (6) of the Federal  
Rules of Civil Procedure, plaintiff, Midway Mfg. Co., shall take the deposition of Trout &

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Reis on August 5, 1983 at 11:00 a.m., at the offices of Trout & Reis, 1212 Avenue of the Americas, New York, New York, upon oral examination before an officer authorized by law to administer oaths. The deposition will continue from day to day until completed.

Pursuant to Rule 30 (b) (6), Trout & Reis is required to designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, concerning:

(1) Consulting, advertising and other related services provided by Trout & Reis to N.A.P. Consumer Electronics Corp. ("NAP") in connection with NAP's "K.C. Munchkin" video game cartridge.

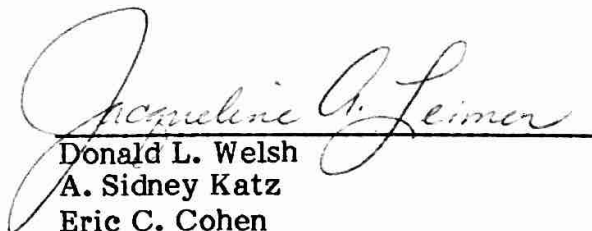
(2) Consulting, advertising and other related services provided by Trout & Reis to NAP in connection with NAP's video game business generally.

(3) Discussions, planning, and execution, if any, regarding the draft advertising copy attached hereto as Attachment A.

At its deposition, Trout & Reis is also requested to produce for inspection and copying all documents responsive to the attached Schedule A.

You are invited to attend and cross-examine.

Dated: July 25, 1983

  
Donald L. Welsh  
A. Sidney Katz  
Eric C. Cohen  
Jacqueline A. Leimer  
WELSH & KATZ  
135 South LaSalle Street  
Chicago, Illinois 60603  
(312) 781-9470  
Attorneys for Plaintiff,  
Midway Mfg. Co.

Video.

Extreme closeup of munching;  
closeup of maze.

Approximate  
timing.

:08

Audio.

SON (excited):

Hey, that's him! That's, uh,  
that's...

MOM (quickly):

No, it's K. C. Munchkin from Odyssey  
And it's much better.

SON:

But it maneuvers through the  
maze, it eats dots and blobs  
just like... uh...

Full shot, screen and keyboard;  
closeup of maze.

:09

MOM:

It's K. C. Munchkin from Odyssey 2.  
With the only computer style keyboard  
that lets you program more difficult  
mazes. Invisible mazes. Even make  
your own.

**CONFIDENTIAL**

Full shot, screen and keyboard;  
medium closeup of cartridge,  
keyboard and screen

:05

SON:

Let me try. Okay, K. C., start  
munching. Hey! It is better.

Animated games and signature

:07

ANNCR:

It's K. C. Munchkin from Odyssey 2.  
First again with the games  
America wants most.

00022  
00000

## SCHEDULE A

1. All documents referring or relating to "K.C. Munchkin," including, without limitation:

(a) all advertising copy, whether used or not, including all preliminary drafts thereof;

(b) All internal memoranda;

(c) All media plans;

(d) All documents constituting, embodying, referring, or relating to communications with North American Philips Consumer Electronics Corp.;

(e) All documents constituting, embodying, referring, or relating to the consulting agreement between Trout & Reis and N.A.P. Consumer Electronics Corp.;

(f) All studies or analyses of the effectiveness of "K.C. Munchkin" advertising.

(g) All artwork prepared in connection with proposed, considered, or actual advertising of "K.C. Munchkin."

2. All Gallup & Robinson studies of Odyssey advertising.

3. All Odyssey<sup>2</sup> and Atari "owner studies."

4. All documents referring or relating to focus group studies or other market research with respect to Odyssey<sup>2</sup>, "K.C. Munchkin," or Atari video games.

5. All documents referring or relating to "PAC-MAN."

6. All documents referring or relating to Midway Mfg. Co.

7. All documents referring or relating to Atari.

8. All documents referring or relating to Namco Ltd. or Namco America, Inc.

### Definitions:

a. "K.C. Munchkin" means the video game which came to be known as "K.C. Munchkin", including the game as it was known at all preliminary stages.

CERTIFICATE OF SERVICE

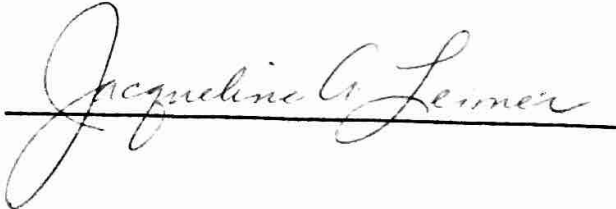
I, JACQUELINE A. LEIMER, one of the attorneys for plaintiff, Midway Mfg. Co., hereby certify that on July 25, 1983, I caused a copy of Midway's Notice of Deposition to be served on the following, by hand-delivery:

Theodore W. Anderson  
James T. Williams, Esq.  
Neuman, Williams, Anderson & Olson  
77 West Washington Street  
Chicago, Illinois 60602

James H. Alesia  
Reuben & Proctor  
19 South LaSalle Street  
Chicago, Illinois 60603

and,

David E. Springer  
Daniel W. Vittum, Jr., Esq.  
Kirkland & Ellis  
200 E. Randolph Drive  
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